

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,) CRIM. NO. 04-30002-MAP
)
vs.)
)
PAUL CALCASOLA and)
ELISABEL RIVAS,)
)
Defendants.)

PARTIES' JOINT MEMORANDUM PURSUANT TO LOCAL RULE 116.5(A)

The United States of America, by and through Michael J. Sullivan, United States Attorney for the District of Massachusetts, and William M. Welch II, Assistant United States Attorney, hereby files this joint memorandum pursuant to Local Rule 116.5(A) and the Magistrate Judge's Scheduling Order.

1. There are no outstanding discovery issues not yet presented.
2. The Government does not anticipate providing additional discovery.
3. No defendant intends to raise a defense of insanity or public authority.
4. The Government has not requested notice of alibi. However, no defendant intends to raise a defense of alibi to the current charges.
5. The defendants may file substantive motions that will

require rulings by the court if the case cannot be resolved by plea agreement.

6. A schedule should be set for the substantive motions. Time under the Speedy Trial Clock should be tolled from the date of the status conference through the filing of the motions to provide the defendants ample time to research, draft, and submit their motions. This request takes into consideration the due diligence of the parties and would be in the interests of justice.

7. The parties have engaged in discussions about the early resolution of the case without a trial.

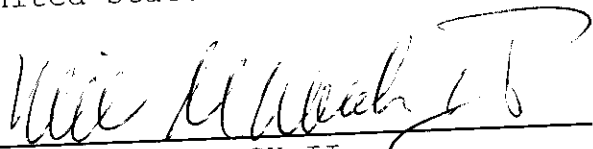
8. Excludable delay should be ordered under 18 U.S.C. §§ 3161(h)(1)(F), 3161(h)(8)(A) and Local Rules 112.2(A)(1) and (2) from the date of the last status conference, May 5, 2004 through July 14, 2004, the date of the final status conference in this case. During this time, counsel have reviewed discovery, conducted some preliminary investigation, and engaged in discussions regarding resolution of the case without a trial. Therefore, seventy days should remain on the Speedy Trial Clock as July 14, 2004.

9. The parties believe at this point that a 50% probability of a trial remains. At this time, the Government would estimate a trial of one and a half weeks.

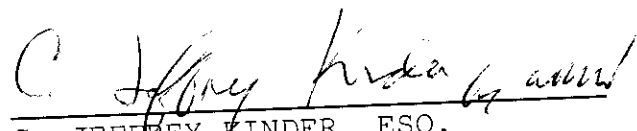
Filed this ~~17th~~ day of July, 2004.

Respectfully submitted,

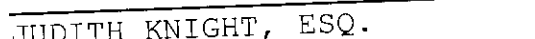
MICHAEL J. SULLIVAN
United States Attorney


WILLIAM M. WELCH II
Assistant United States Attorney

For defendant Paul Calcasola:


C. JEFFREY KINDER, ESQ.
Counsel for defendant Calcasola

For defendant Elisabel Rivas:


JUDITH KNIGHT, ESQ.
Counsel for defendant Rivas

CERTIFICATE OF SERVICE

Hampden, ss.

Springfield, Massachusetts
July 13, 2004

I, William M. Welch, Assistant U.S. Attorney, do hereby certify that I have served a copy of the foregoing by faxing said motion to:

C. Jeffrey Kinder, Esq.
64 Gothic Street
Northampton, MA 01103

Judith C. Knight, Esq.
342 Main Street
Great Barrington, MA 01230

A handwritten signature in cursive script, reading "William M. Welch II", written over a horizontal line.

WILLIAM M. WELCH II
Assistant United States Attorney